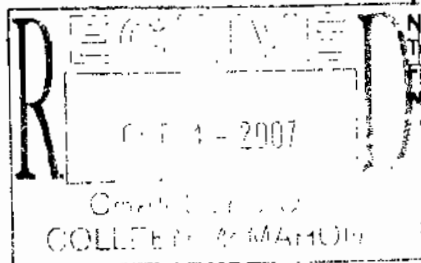


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MEMO ENDORSED



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October 4, 2007

BY FACSIMILE

Hon. Colleen McMahon
United States District Court for the Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007

Re: Consist Software Solutions, Inc. f/k/a Consist International, Inc.
v. Software AG, Inc. and Software AG (07 Civ. 7047) (CM) (FM)

Dear Judge McMahon:

This letter is written on behalf of both plaintiff and defendants in the above-entitled action to request clarification of the Trial Notice that Your Honor issued earlier today. Since the Trial Notice conflicts with the Scheduling Order that Your Honor signed on September 26, 2007, we believe that the Trial Notice may have been entered in error.

The Scheduling Order contains a very explicit schedule for a trial of what Your Honor characterized as "the request for a permanent injunction and all requests for declaratory relief appurtenant thereto." (Scheduling Order p. 3.) It provides for the trial of the injunction issue to begin on December 10, 2007, preceded by expedited discovery "limited to the issues related to the request for an injunction." (Ibid.) The Scheduling Order also clearly contemplates a "bench trial" of the injunction issue. (Id. at p. 4.)

The Trial Notice that we received today calls for jury selection and trial to begin on December 12, 2007, and does not appear to be limited to the trial of the injunction issue. Since no jury demand has so far been filed in this case and since a request for a permanent injunction would not be tried by a jury, we are confused by the reference in the Trial Notice to a jury trial. Accordingly, we respectfully request that the Court clarify the Trial Notice and confirm that the Scheduling Order of September 26, 2007 remains the operative order.

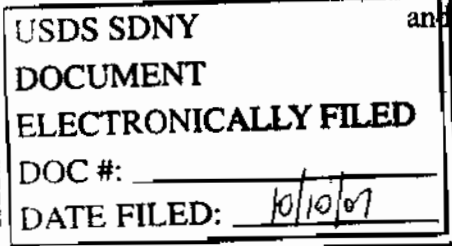
Respectfully,

DUANE MORRIS LLP

BAKER & MCKENZIE

By Fran M. Jacobs
Fran M. Jacobs
Attorneys for Consist Software
Solutions, Inc.

By James David Jacobs by Fay
James David Jacobs w/ permission
Attorneys for Software AG, Inc.
and Software AG



10/9/07
The notice
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